

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY**

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE.

DSA proposes to make amendments to Chapter 4 of the 2001 edition, California Building Standards Administrative Code.

These proposed amendments to the current administrative regulations pertain to the rehabilitation of existing non-conforming buildings for use as public school buildings, in conformance with Education Code Section 17280.5. Amendments have also been proposed to the technical provisions contained in Division VI-R of Chapter 16A, Title 24, Part 2.

The specific purpose and rationale for necessity of these proposed amendments follows:

Section 4-306. Approval of New School Buildings, Rehabilitation of School Buildings, and Additions to School Buildings

The purpose of this amendment is to provide reference to Section 4-307 (new proposed section) for rehabilitation of an existing nonconforming building into a public school building. Editorial change amends the phrase “reconstruction and alteration” to “retrofit”, which is defined in Section 4-314.

Rehabilitation, as defined in Section 4-314 can apply to existing buildings in two contexts: (1) the evaluation and retrofit of an existing nonconforming building, or (2) the retrofit of a school building that conforms to a previous code. Section 4-306 differentiates between the two contexts, and specifically addresses existing nonconforming buildings that are rehabilitated for use as public school buildings.

The editorial change to the terminology replaces the terms “reconstruction and alteration” with the term “retrofit,” as defined in Section 4-314.

Section 4-307. Rehabilitation of an Existing Non-Conforming Building for Use as a School Building.

(a) The purpose of this amendment is to define an existing nonconforming building that is rehabilitated for school use to be a new school building. As a new school building, the rehabilitation design and construction shall comply with the health and safety standards of Title 24, C. C. R.

Evaluation and retrofit of the existing materials shall comply with Division VI-R, Title 24, C. C. R., which provides methodologies to establish equivalency with prescriptive requirements in current model code.

Requirements for inspection and testing of existing materials have been defined within the proposed regulations (Division VI-R, Title 24, Part 2). Performance-based design techniques have been published (e.g. FEMA 356, *Prestandard and Commentary for the Seismic Rehabilitation of Buildings*), and provide a basis to determine the expected behavior of an existing building during a seismic event. These requirements for inspection, material testing and structural analysis (based on FEMA 356 and other documents) enable DSA to determine that the rehabilitated building provides equivalent performance to a building that meets current code requirements.

(b) The purpose of this amendment is to define a site, upon which an existing nonconforming building is rehabilitated for school use, to be a new school site. As a new school site, the rehabilitation design and construction shall comply with the health and safety standards of Title 24, C. C. R. Evaluation and retrofit of existing non-conforming structures and site systems shall comply with Title 24, C. C. R.

Building and site features must be considered in rehabilitation of all projects to public schools. Compliance with model code for new sites must include requirements for structural, accessibility, fire and life-safety, mechanical, plumbing, and electrical building systems. Historical structures and applicability with the *State Historic Building Code* must be considered.

(c) The purpose of this amendment is to define the process to obtain DSA approval of the proposed design criteria for rehabilitation of an existing building. Approval by DSA of the design criteria must be obtained prior to design development by the project design professionals.

The California Seismic Safety Commission was required by Statute (Education Code, Sec. 17280.5) to determine whether or not DSA could develop regulations to rehabilitate existing non-conforming buildings to public school use. During meetings held in conjunction with the Commission's process to make this determination, recommendations were made to establish a process in which DSA and project design professionals could collaborate early in the design development of a project.

After consulting with the Office of Statewide Health Planning (OSHPD) and several structural engineers experienced in rehabilitation of buildings, DSA modeled the process presented in these proposed regulations on the seismic retrofit program currently utilized by OSHPD, in which they review a report proposing design criteria for the project prior to design development.

The DSA process will require preparation and submittal of an Evaluation and Design Criteria Report prepared by the project design professionals, upon which DSA will review and approve the design criteria prior to design development by the design professionals.

Section 4-309. Reconstruction or Alteration Projects in Excess of \$25,000 in Cost.

(c) Required Structural Rehabilitation.

The purpose of this amendment is to clarify that retrofit, when required, shall conform to the currently effective regulations for rehabilitation per Section 4-307.

The proposed amendments clarify the applicable regulations when structural rehabilitation is required per Section 4-309 (c).

Section 4-314. Definitions.

The purpose of this amendment is to provide definitions for “Non-conforming Building” and “Retrofit” as they apply to rehabilitation of an existing building to public school use. Amendment of the current definition of “Rehabilitation” is made to update references to currently effective regulations.

The definitions are necessary for clarity in application of the regulations for rehabilitation of public schools.

Section 4-315. Application for Approval of Drawings and Specifications.

The purpose of this amendment is to provide editorial clarification for consistency in the application of these regulations.

Section 4-317. Plans, Specifications, Calculations and other data.

(e) Site Data.

The purpose of this amendment is to update terminology to current Department of Conservation (Division of Mines and Geology) terminology. “Special Studies Zones” have been renamed as “Alquist-Priolo Earthquake Fault Zones”, and the “Seismic Hazard Zones” must be added to comply with requirements of the Seismic Hazards Mapping Act of 1990 (Public Resources Code Chapter 7.8).

Section 4-326. Fees for Approval of an Evaluation and Design Criteria Report for Rehabilitation of an Existing Non-compliant Building for Use as a School Building.

The purpose of this amendment is to define the fees required in conjunction with DSA’s review and approve of the Evaluation and Design Criteria Report for a specific project.

The report establishing comprehensive design criteria will require significant time to review and approve. DSA’s current fee structure for plan and construction review does not cover expenses associated with the agency’s review and approve of the Evaluation and Design Criteria Report for rehabilitation projects.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS.

No technical reports or studies were used in the development of the proposed administrative regulations.

CONSIDERATION OF REASONABLE ALTERNATIVES.

DSA could not identify nor determine any reasonable alternatives to the proposed administrative regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Division of the State Architect did not identify any reasonable alternatives to the proposed administrative regulations.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

None required, as no adverse effect on business was determined on the basis that the proposed amendments are editorial.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.

DSA is not aware of any duplication or conflict with federal regulations. The proposed regulations utilize, in part, nationally-recognized standards such as FEMA 356 (pre-standard for and commentary for seismic rehabilitation of buildings).